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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,300	01/22/2002	Srinivas Mandyam	2102299-991130	2017

29906	7590	07/13/2006		EXAMINER

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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 April 2006</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10 and 14-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-10 and 14-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.　This action is responsive to communications: RCE filed 4/25/2006 to the original

application filed 01/22/2002.

2.　Claims 1-10 and 14-18 are currently pending in this application. Claims 1, 7, 9-10 and 14

have been amended. Claims 11-13 have been canceled. Claims 1 and 10 are independent

claims.

Request Continuation for Examination

3.　A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.　Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114.　Applicant's submission filed on 4/25/2006 has

been entered.

Claim Rejections - 35 USC § 101

4.　35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,
or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

Claims 1-10 and 14-18 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The current focus of the Patent Office in regard

to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a

judicial exception (software) is that the claimed invention recite a practical application.

Practical application can be provided by a physical transformation or a useful, concrete

and tangible result. No physical transformation is recited and additionally, the final result

of the claims *"applying each selection command and its corresponding selection*

envelope to the content until the specific content from the web page is enclosed in a

particular one of the selection envelopes" (see claim 1), and *"extracting the second*

content if the second content is the desired content" (see claim 10), do not appear to be a

tangible result. The following link on the World Wide Web is for the United States

Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf>

Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b),by another filed in the United States
before the invention by the applicant for patent or (2)a patent granted on an application for patent by another filed in the United
States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a)shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2)of such treaty in the English language; or " (Emphasis added.)

6.   Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chau et al.** (US 6,721,727, filed 11/2000).

<u>As to claim 1:</u>

Chau teaches *(see the Abstract)* a computer-based *(e.g., a computer)* method for extracting content from a web page *(e.g., B2B applications mainly use XML as their interchange format...these are B2C applications which are often used in interactive Web sites...the XML System enables retrieving data from existing business tables and from XML documents and putting them on a web site for viewing) [see the Web Information Retrieval Applications discussion, beginning at col.6, line 44]*, comprising the step of:

- creating set of selection envelopes *(e.g., create SQL queries; col.10, lines 48-49 & SQL general data types; col. 24, lines 57-58)* , wherein each selection envelop is associated with at least one selection command *(e.g., SELECT sales_person FROM sales_order-view; col. 25, lines 5-11)* for locating a particular portion of the content within the web page *(e.g., XML element contents or attributes values extracted from XML document ... data type of an element or attribute can be specified, searches can be performed on SQL general data type and range searches can be performed; col.24, lines 49-58)*, wherein each selection command is a function configure to locate *(e.g., the use of SELECT command)* the particular portion of the content to be enclosed by a corresponding selection envelope,

wherein each successive selection command narrows *(e.g., It should be used when other restrictions are applied to the WHERE clause so that the source scan is performed to a limited number of XML document; col. 25, line 48-col. 26, line 24)* the content to be enclosed by the selection envelope corresponding to the selection command *(see the SQL discussion beginning at col.23, line 35; col.25, line 5 & col. 43, line 4)*; and

- applying each selection command and its corresponding selection envelope to the content until the specific content from the web page is enclosed *(e.g., Sriram Srinivasan)* in a particular one *(e.g., sales_tab)* of the selection envelopes *(see the SQL discussion beginning at col.23, line 35; col.25, line 5 & col. 43, line 4)*.

As to claim 2:

Chau teaches *(col.26, lines 5-9)* begin marker *(sales-tab)* and an end marker *(>2500.00)*, which respectively define the beginning and end of the selection envelope.

As to claim 3:

Chau teaches *(col.43, lines 42-45)* a parent envelope *(e.g., SELECT clause)* and a child envelope *(e.g., WHERE clause)*.

As to claim 4:

Chau teaches the child envelope is nested within the parent envelope *(e.g., SELECT ...*

SELECTING DISTINCT; col.26, lines 51-54).

As to claim 6:

Chau teaches the child envelope is completely outside of the parent envelope *(col.38,*

lines 15-40).

As to claim 7:

Chau teaches a command based on the web page structure *(e.g., XML query parameter;*

col. 40, lines 48-65).

As to claim 8:

Chau teaches a command based on a character pattern (e.g., *SQL query; col.38, lines 50-*

67).

As to claim 9:

Chau teaches *(col.38, lines 40-47)* a combined command *(e.g., define mapping ... XML*

document using SQL mapping) based on both web page structure (e.g., *XML)* and a

character pattern (e.g., *SQL).*

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claims 10 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chau et al.

As to claim 10:

The rejection of independent claim 1 above is incorporated herein in full.

Chau does not explicitly teach "*determining whether the first content is the desired*

content; extracting the first content if the first content is the desired content; defining a

child selection envelope corresponding to the second command for locating second

content within the web page *if the first content is not said desired content; using the*

second selection command associated with the child selection command to select the

second content from the web page; *determining whether the second content is the desired*

content; and extracting the second content if the second content is the desired content."

However, Chau suggests *(e.g., Suppose there are more than 1000 XML documents stored...the WHERE clause did the filtering on the collection of 1000 XML documents; col.24, lines 20-47).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to applied Chau's suggestion to implement the features as claimed Chau because it would have provided the capability for locating a desired content stored in a table created in a rational database management system.

As to claim 14:

Chau teaches a section of a document *(e.g., the XML documents... multiple pieces; col.7, lines 5-7).*

As to claim 15:

Chau teaches determining whether the source is structure *(e.g., XML document ... a tree structure; col.44, lines 20-21)* or unstructured, and selecting the at least one selection command is based upon this determination *(e.g., SQL query; col.44, lines 37-38).*

As to claim 16:

Chau teaches structure based command selected from, among other things, select by attribute commands *(e.g., SQL query and maps the data obtained from the SQL query into elements and attributes; col.35, lines 51-53).*

As to claim 17:

Chau teaches a character based command selected from, among other things, select text matching pattern commands *(col.38, line 40-col.39, line 45).*

As to claim 18:

It includes the same limitations as in claim 9, and is similarly rejected under the same rationale.

9.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Chau et al.** in view of **Coppperman et al.** (U.S. 6,711,585 – filed 06/2000).

As to claim 5:

Chau does not explicitly teach *"the child envelope partially overlaps the parent envelope."*

Coppperman teaches the child envelope partially overlaps the parent envelope *(col.23, lines 54-67).*

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to include the feature from Coppperman in the system of Chau

because it would have provided the capability for eliminating the concept-node from the

input set an to re-initiate the knowledge map generation mechanism.

Response to Arguments

10.   Applicant's arguments filed 4/25/2006 have been fully considered but they are not

persuasive.

    a.   Applicant argues that *the Chau reference fails to disclose a selection envelope*

        that is associated with at least one selection command for locating a particular

        portion of the content within the web page [Remarks, page 7].

        In response, Chau discloses *a selection envelope (e.g., SELECT*

        sales_person...WHERE price>2500.00) that is associated with at least one

        selection command (e.g., SELECT) for locating a particular portion of the content

        (e.g., WHERE price>2500.00) within the web page (e.g., the XML System enables

        retrieving data from existing business tables and from XML documents and

        putting them on a web site for viewing) [see the Web Information Retrieval

        Applications discussion, beginning at col.6, line 44 and see the Searching an

        XML document discussion, beginning at col.24, line 49].

b. Applicant argues that *the Chau reference fails to disclose each successive selection command narrows the content to be enclosed by a corresponding selection envelope* [Remarks, page 7].

In response, Chau does teach the use of WHERE command to narrow *the content to be enclosed by a corresponding selection envelope [see the Searching an XML document discussion, beginning at col.24, line 49].*

c. Applicant argues that *the Chau reference fails to disclose applying each selection command and its corresponding selection envelope to the content until the specific content from the source web page is enclosed in a particular one of the selection envelope* [Remarks, page 10].

In response, Chau taches applying each selection command *(e.g., SELECT)* and its corresponding selection envelope *(e.g., WHERE)* to the content until the specific content from the web page is enclosed in a particular one of the selection envelopes *[see the Web Information Retrieval Applications discussion, beginning at col.6, line 44; the SQL discussion beginning at col.23, line 35 and see the Searching an XML document discussion, beginning at col.24, line 49].*

d.   Applicant argues that *the Chau reference fails to disclose parameterizing a*

plurality of selection command is a function configured to locate the particular

portion of content within the web page to be enclosed by a corresponding

selection envelope, wherein each successive selection command narrows the

particular portions of the web page to be enclosed by the selection envelope

corresponding to the selection command [Remarks, page 11].

In response, Chau teaches the use of SELECT as a *selection command* and

WHERE to *locate the particular portion of content [see the Web Information*

Retrieval Applications discussion, beginning at col.6, line 44; the SQL discussion

beginning at col.23, line 35 and see the Searching an XML document discussion,

beginning at col.24, line 49].

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Hashimoto et al.   U.S. Pat. No. 6,523,025   Issued: Feb. 18, 2003

Contact information

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30

pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached at (571) 272-4136.

The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

MN

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